CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:		Force	I	Discourt.	□ U.S.
Amanda Harouche		Squad #16	201410056	_	Abuse		O.L.	
Allianda Harouche		Squau #10	201410030		Abuse	Ш	O.L.	✓ Injury
Incident Date(s)		Location of Incident:		P	recinct:	18	Mo. SOL	EO SOL
Saturday, 09/27/2014 1:00 AM		Avenue D between Not East 29th Street and the Stationhouse			67	3/	27/2016	3/27/2016
Date/Time CV Reported		CV Reported At:	How CV Reported:		Date/Time	Rece	ived at CCI	RB
Wed, 10/01/2014 9:41 AM		CCRB	Phone		Wed, 10/0	1/201	4 9:41 AM	I
Complainant/Victim	Type	Home Addre	ess					
Witness(es)		Home Addre	ess					
	G1.11	T. ID.						
Subject Officer(s)	Shield	TaxID	Command					
1. POM James Giamboi	05153	947957	067 PCT					
2. POM Christophe Mcdonald	23355	947240	067 PCT					
3. SGT Sean Claxton	01500 3129	943092 945688	067 PCT 067 PCT					
4. SGT Anthony Egan								
Witness Officer(s)	Shield N		Cmd Name					
1. POF Joannie Colon	27657		PBBS					
2. POM Carl Becker	11065	954539	PBBS					
Officer(s)	Allegatio	on			Inve	stiga	tor Recon	nmendation
A.SGT Sean Claxton	East 29th	esy: On Avenue D betwe Street in Brooklyn, Sgt ously to § 87(2)(b)			d			
B.SGT Sean Claxton	29th Stre	n Avenue D between No et in Brooklyn, Sgt. Sea inst ^{887(2)(b)}						
C.POM Christophe Mcdonald	29th Stre	n Avenue D between No et in Brooklyn, PO Chri force against \$ 87(2)(b)						
D.POM James Giamboi	29th Stre	n Avenue D between No et in Brooklyn, PO Jame inst ^{§ 87(2)(b)}						
E.SGT Anthony Egan		at the 67th Precinct Stati not obtain medical treat		ony				
F.SGT Sean Claxton		at the 67th Precinct Stati btain medical treatment		Clax	ton			

Case Summary

On September 27, 2014 around 1:00 a.m., §87(2)(b) ran from his house, located at 1323 New York Avenue in Brooklyn, to the corner of Avenue D between Nostrand Avenue and East 29 th
Street where his friend's car had been stopped by PO James Giamboi, PO Christopher McDonald
and Sgt. Sean Claxton of the 67 th Precinct. § 87(2)(b) stood on the sidewalk and yelled over to
the police officers about them having nothing better to do than harass people. Sgt. Claxton then
allegedly said, "Who the fuck are you talking to? (Allegation A). Sgt. Claxton then grabbed
\$87(2)(b) s wrist and \$87(2)(b) pushed Sgt. Claxton's hands away. PO Giamboi and PO McDonald
then grabbed \$87(2)(b) along with Sgt. Claxton, and told \$87(2)(b) to put his hands behind his
back. §87(2)(b) moved his body around and tried to look at the officers while asking them why
they were arresting him. §87(2)(b) was then allegedly slammed against a wall and thrown onto
the ground by the officers (Allegations B, C, and D). §87(2)(b) then felt three or four kicks on
the left side of his body by his ribs, but he could not tell from who the kicks were coming or if
they were from a foot or a knee (within Allegations B , C and D). §87(2)(b) was handcuffed and
transported to the 67 th Precinct stationhouse. While at the font desk and in the presence of Sgt.
Claxton and the Desk Officer, Sgt. Anthony Egan, §87(2)(b) allegedly requested that the officers
bring him to the hospital but instead he was brought to a holding cell and was never brought to a
hospital (Allegation E and Allegation F). When he was being taken out of the holding cell to be
transported to Brooklyn Central Booking, \$87(2)(6) stood in front of the desk and requested to
go to the hospital again, in the presence of Sgt. Egan (Allegation F). §87(2)(b) was brought to
Brooklyn Central Booking before being brought to a hospital. At Brooklyn Central Booking,
EMS workers told the officers who transported \$87(2)(b) that they needed to bring \$87(2)(b) to
the hospital before he could be admitted. §87(2)(b) was taken to §87(2)(b) treated
and released.
und foreused.
\$ 87(2)(b) was arrested during this incident. [\$ 87(2)(b)] [\$\$ 86(1)(3)&(4)] [\$ 87(2)(c)]
Mediation Nation of Claim and Criminal Histories
Mediation, Notice of Claim, and Criminal Histories This case was not eligible for mediation because [\$87(2)(b)] was arrested during this incident and
sustained injuries for which he sought medical treatment. As of April 3, 2015, no Notice of Claim
has been filed in regards to this incident (encl. 14e). [§ 87(2)(b)] [§§ 85(1)(3)&(4)] [§ 87(2)(c)]
Cirilian and Officer CCDD Histories
• This is the first CCRB complaint filed by \$87(2)(b) \$87(2)(b)
• This is the first CCRB complaint filed by \$87(2)(b) \$87(2)(b)
• Cat Clayton has been a mambau of the service for eight years and there are three
• Sgt. Claxton has been a member of the service for eight years and there are three
substantiated CCRB allegations against him. In case 201400940, a refusal to provide name
and shield allegation was substantiated against him. The CCRB recommended Command
Discipline-A but the NYPD disposition is still pending. In the same case a frisk and stop were
substantiated against him. The CCRB recommended Command Discipline – B but the NYPD
disposition is still pending. He currently has one open case with the CCRB (Case
#201501804). § 87(2)(g)

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- PO Giamboi has been a member of the service for six years and there is one substantiated CCRB allegation against him. In Case # 201400940, a refusal to provide name/shield allegation was substantiated against him. The CCRB recommended Command Discipline A but the NYPD disposition is still pending. [587(2)(9)]
- PO McDonald has been a member of the service for six years and there are no substantiated CCRB allegations against him. \$87(2)(9)

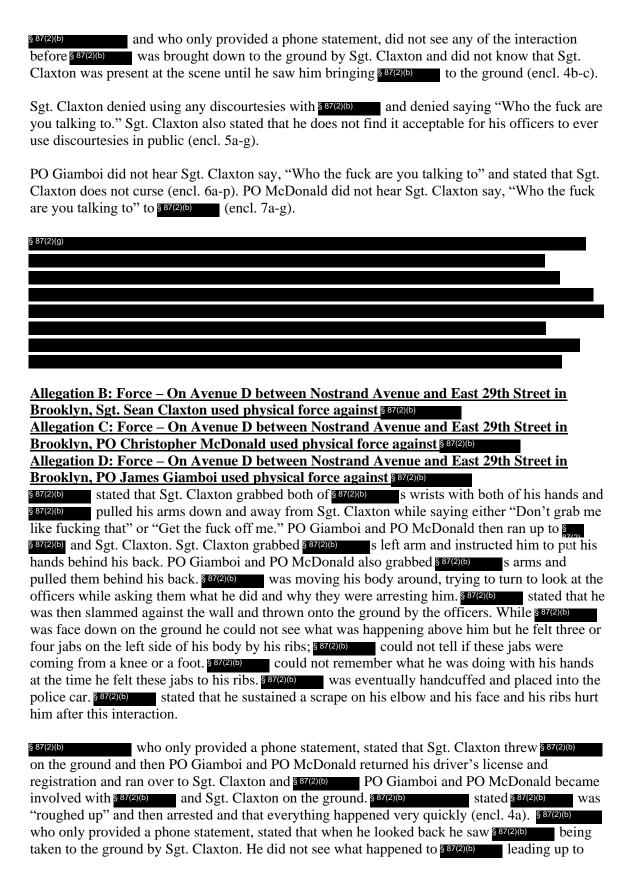
Potential Issues

The investigation was unable to obtain video footage pertaining to this incident. The requests for TARU video footage on the corner of the incident location came back negative because the camera was not networked and there was only 7 day video storage at the camera pole (the request was received by TARU more than 7 days after the incident) (encl. 151). Additionally, video footage was obtained from the Duane Reade on the corner of this incident location however, the camera is pointed down the block adjacent to where this incident occurred and therefore none of the incident was captured by this camera (encl. 13g).

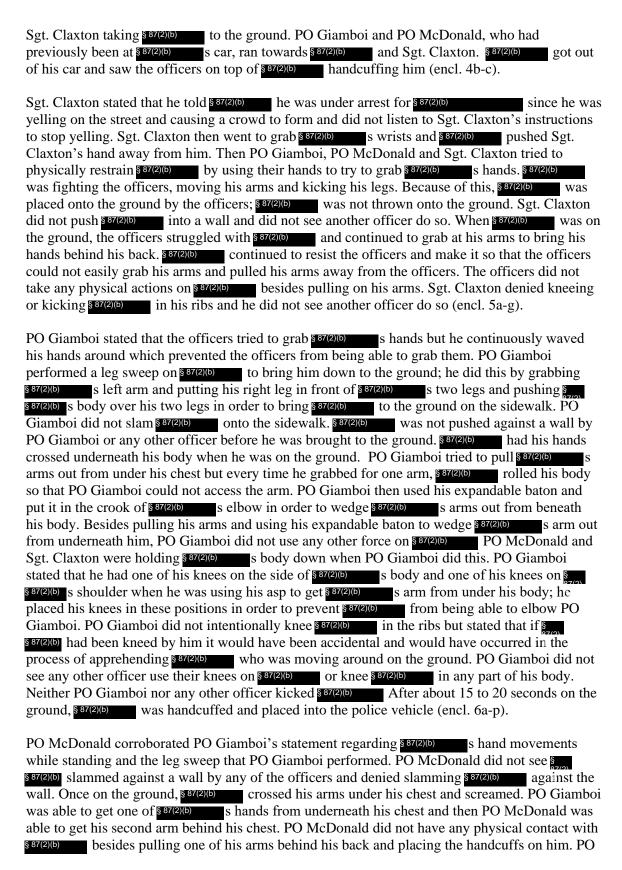
Findings and Recommendations

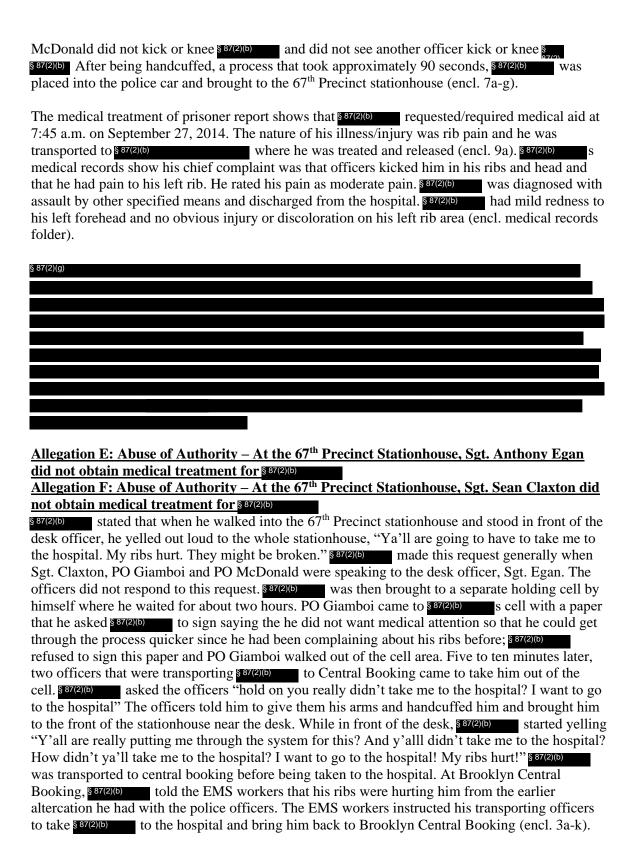
Explanation	of Subject Officer Identification
	ton acknowledged being the first officer to interact with §87(2)(b) §87(2)(g)
• PO McDe	onald and PO Giamboi acknowledged interacting with \$87(2)(b) \$87(2)(g)
	and Sgt. Claxton were both present when strong alleged he asked for medical Sgt. Claxton was present the first time and Sgt. Egan was present both times.
Investigation	Findings and Recommendations
Allegations N	Not Pleaded
§ 87(2)(g)	
Allegation A	: Discourtesy -On Avenue D between Nostrand Avenue and East 29th Street in
	gt. Sean Claxton spoke discourteously to §87(2)(b)
sta "Y'all fuckin Claxton look walked towar	steed that he ran to the sidewalk in response to officers stopping his friend, stood in the middle of the sidewalk, and yelled to the officers that g police officers don't have nothing else better to do than harass people." Sgt. and said, "Who the fuck are you talking to? Come here" and then ds 887(2)(b) (encl. 3a-k). In his original phone statement, 887(2)(b) stated that said, Who are you talking to?"
§ 87(2)(b) discourtesies	who only provided a phone statement, did not mention any officer using with \$87(2)(b) (encl. 4a). \$87(2)(b) s friend who was in the car with
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7:45 a.m. on September 27, 2	soner report shows that \$87(2)(b) requested/required medical aid at 2014. The nature of his illness/injury was rib pain and he was where he was treated and released (encl. 9a).
His chief complaint was his left rib. He rated his pain specified means and discharge	at \$87(2)(b) at \$87(2)(b) at \$87(2)(c) at \$8
Sgt. Egan did not remember \$ \$37(2)(5) never asked him to go brought to the hospital and the	being brought into the stationhouse. Although or him asking for medical attention, he stated that to the hospital because if he had asked him he would have been ne command log does not show that he was brought to the hospital. O Giamboi to bring a refusal of medical treatment form to a-c).
the officers that they needed medical attention. He stated t him out of the stationhouse a	did not complain about his ribs hurting and that he did not tell to take him to the hospital because his ribs hurt or ask for any that \$87(2)(b) asked the officers to do whatever they could to get as soon as possible. Sgt. Claxton did not know of any officer going I with a refusal of medical attention form and he did not instruct any.
tell PO Giamboi that he want and he did not hear \$87(2)(b) remember going to \$87(2)(b)	ever requesting medical attention. \$87(2)(b) did not ted to go to the hospital while he was standing in front of the desk ask any other officer to go to the hospital. PO Giamboi did not s holding cell with a refusal of medical attention form and asking mboi stated that if \$87(2)(b) had requested to go to the hospital, he to the hospital (encl. 6a-p).
standing in front of the desk other injuries. PO McDonald	did not make any requests to go to the hospital while and that he did not complaint about his ribs hurting or about any stayed at the stationhouse for the rest of his tour but did not have after standing with him at the front desk when he first cl. 7a-g).
that they would have alerted asked to go to the hospital. P	Colon, the transport officers, remembered their interactions with led memo book entries regarding his transport. Both officers stated their supervisor and brought stransport to the hospital as soon as he to Becker stated that he was told by EMS at Brooklyn Central ring stransport. To the hospital so he brought stransport to the
§ 87(2)(g)	

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§ 87(2)(g)			
Pod:			
Investigator:			
Signature	Print	Date	
Supervisor:			
Title/Signature	Print	Date	
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Reviewer:			
Title/Signature	Print	Date	
Reviewer:			
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